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ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

RED ROBIN GOURMET BURGERS, INC.

Defendant.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of religion and to provide appropriate relief to Edward Rangel, Jr. The Equal Employment Opportunity Commission ("Commission") alleges that Defendant Red Robin Gourmet Burgers, Inc. ("Red Robin") failed to accommodate Mr. Rangel's religious needs and discharged him on the basis of his religion. Plaintiff seeks injunctive and monetary relief, including pecuniary

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and nonpecuniary compensatory and punitive damages, on behalf of Mr. Rangel.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Washington at Seattle.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

4. At all relevant times, Defendant Red Robin has been a corporation continuously doing business in the State of Washington and has continuously had at least 15 employees.

5. At all relevant times, Defendant Red Robin has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Mr. Rangel filed a charge with the Commission alleging violations of Title VII by Defendant Red Robin. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since on or about June, 2002, Defendant Red Robin engaged in unlawful employment practices at its Bellevue, Washington facility in violation of Civil Rights Act of

1964, §§ 703(a)(1), 42 U.S.C. , 2000e-2(a)(1). Defendant Red Robin affected the terms and conditions of Mr. Rangel's employment by failing to accommodate his religious needs and discharging him because of his religion.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Mr. Rangel of equal employment opportunities and otherwise adversely affect his status as an employee because of his religion.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to Mr. Rangel's federally protected rights.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of race and religion.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Mr. Rangel by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant to make whole Mr. Rangel by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Mr. Rangel by providing compensation for

past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant to pay Mr. Rangel punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

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JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 26th day of May, 2004.

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